

Remarks

SUMMARY

Reconsideration of the application is respectfully requested.

Claims 11-27, 29-31, and 34-37 have been rejected. Claims 17, 24, 26, and 31 have been amended, and claims 18 and 25 have been canceled. Accordingly, claims 11-17, 19-24, 26, 27, 29-31, and 34-37 remain pending in the application.

Applicants thank the Examiner for withdrawing the §101 rejections of claims 11-27, 29-31, and 34-37, and for withdrawing the §102 rejections of claims 21-23, 27, and 29-30.

Claim Rejections under 35 U.S.C. § 102

In “Claim Rejections – 35 USC § 102,” on page 5 of the above-identified final Office Action, claims 17-20, 24-26, 31, 36, and 37 have been rejected as being anticipated by *Reinemann*, U.S. Patent Publication No. 2003/0115118 under 35 U.S.C. § 102(b).

Claim 17, as amended, recites “In a system, a method of operation comprising:

generating a lookup index to one or more sets of configuration parameter values, based at least in part on one or more performance events observed in associated with a platform’s execution of a workload, wherein said generating includes evaluating an index function in view of the one or more performance events observed; and

selecting one of one or more pre-established sets of configuration parameter values, based at least in part on the generated lookup index, for application to configure the platform.”

In contrast, Reinemann simply teaches the monitoring of resource utilization of a processor by collecting performance metrics and archiving them in a log file (Reinemann, paragraph [0011]). In addition to monitoring, Reinemann discloses a policy manager capable of applying policies based on the collected performance metrics, the policies dictating the sharing of resources among a network of processors.

Even if ones reads the performance metrics of Reinemann as the configuration parameter values of claim 17, the only lookup index to such archived metrics arguably inherent in Reinemann would be a memory address of the log file to which the metrics are archived (as noted by the Examiner in “Response to Arguments” on page 19). And nothing in Reinemann discloses that determining/generating the memory address of the log file includes “evaluating an index function in view of the one or more performance events observed”, as is claimed by claim 17.

§102 rejections require that the reference must disclose the invention in as complete of detail as is claimed. Reinemann simply does not teach each and every limitation of amended claim 17 and, accordingly, claim 17 is patentable over Reinemann.

Amended claims 24 and 31 recite limitations similar to those of claim 17, and are thus patentable over Reinemann for at least the same reasons. Accordingly, Reinemann does not anticipate claims 24 and 31.

Claims 18-20, 25-26, 36, and 37 depend from amended claims 17 and 24, incorporating their limitations. Accordingly, for at least the same reasons, Reinemann fails to anticipate claims 18-20, 25-26, 36, and 37.

Claim Rejections under 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” on pages 14-15 of the above-identified final Office Action, claims 11-16, 21-23, 27, 29-30, 34, and 35 have been rejected as being unpatentable over *Reinemann*, and further in view of *Chiu*, U.S. Patent Publication No. 2002/0186658 under 35 U.S.C. § 103(a).

Claim 11 recites “In a system, a method of operation comprising:

determining whether a workload executed or being executed by a platform resembles a reference workload, based at least in part on one or more performance events observed from monitoring the platform’s execution of the workload; and

if the workload is determined to resemble the reference workload, performing a selected one of

selecting a set of one or more configuration parameter values pre-selected for the platform to execute the resembled reference workload, and

providing information about the determined resembled reference workload to facilitate the selection of the set of one or more configuration parameter values pre-selected for the platform to execute the determined resembled reference workload.”

The present invention, as claimed in claim 11, teaches a method of determining whether a workload executed or being executed by a platform resembles a reference workload, and selecting a set of configuration parameter values pre-selected for a platform to execute the resembled reference workload.

In contrast, Reinemann simply stands for a method and system of resource sharing among a network of processors, where a policy manager of a processor may decide to share one or more of its resources based on a resource utilization threshold set by a policy (Reinemann, paragraph [0012]). The only comparison necessary to achieve Reinemann’s purpose - optimized resource utilization among the processors of the network - is between the performance of a system resource (such as memory utilization) and policy thresholds dictating whether the resource ought to be sharable.

The entire purpose of determining whether a workload resembles a reference workload, in claim 11, is so that configuration parameter values associated with the reference workload can be selected to configure the platform. As mentioned above, Reinemann configures the platform based on policies having thresholds. Thus, in Reinemann, it is these thresholds that serve as “configuration parameter values.” But Reinemann does not discuss the selection of these thresholds at all, much less discuss the selection of such thresholds based on the comparison of a workload to a reference workload..

The Examiner admits the above deficiency of Reinemann, and proposes Chiu as a cure for that deficiency. Chiu, however, simply does not teach or suggest “determining whether a workload executed or being executed by a platform resembles a reference workload.” Instead, Chiu teaches selectively off-loading an appropriate

amount of traffic from congested sub-regions of a network to more lightly loaded sub-regions of the network using Multiprotocol Label Switching (MPLS), thus permitting effective utilization of network resources (Chiu, paragraph [0006]). Even if one interprets an amount of network traffic as a “workload,” Chiu does not discuss or suggest the comparison of such a “workload” to a “reference workload.”

In “Response to Arguments”, page 21 of the above-identified Office Action, the Examiner states that by teaching “selectively offloading traffic”, Chiu inherently teaches comparison of a workload (amount of network traffic) to a reference workload. Applicants respectfully disagree. “Selectively” offloading traffic simply means that some portion of the traffic is selected for offloading. Such selection may be made entirely at random, and thus does not require any sort of comparison.

Even if Chiu is read to suggest comparison of one workload to another to determine whether to offload traffic, it does not follow that the comparison workload is a reference workload having a set of one or more configuration parameter values pre-selected for the platform to execute the reference workload, which may then be selected for the other workload to configure the platform. Chiu makes no disclosure of configuration parameter values associated with a lower amount of network traffic that may then be used on the system having the higher amount. At best, Chiu merely teaches a system capable of recognizing that one computer/part of the network has more network traffic than another and off-loading traffic to the other. At no point is configuration of any part of the system discussed. Further, one skilled in the art would have no motivation to associate configuration parameter values with a “workload” of Chiu (i.e., amount of network traffic), because the entire point of Chiu is to find two dissimilar workloads and balance them, not to find a similar one and ensure that the computers having the workloads have similar configurations. Configuring a platform with different values would contribute nothing to load balancing, and thus one of skill in the art would not modify Chiu to compare a workload to a reference workload that has configuration values pre-selected for it.

Therefore, Reinemann and Chiu, individually or combined, failed to teach or suggest claim 11. Accordingly, claim 11 is patentable over Reinemann and Chiu, alone or in combination.

Claim 21 and 27 recite limitations similar to those of claim 11, and accordingly are patentable over Reinemann and Chiu for at least the same reasons.

Claims 12-16, 22-23, 27, 29-30, 34, and 35 depend from claim 11, 21, and 27, respectively, incorporating their limitations. Accordingly, for at least the same reasons, claim 12-16, 22-23, 27, 29-30, 34, and 35 are patentable over Reinemann and Chiu, alone or in combination.

Conclusion

Claims 11-17, 19-24, 26, 27, 29-31, and 34-37 are believed to be in condition for allowance. Thus, a Notice of Allowance is earnestly solicited. Please contact the undersigned regarding any questions or concerns associated with the present matter. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 08/16/2007

/Robert C. Peck/
Robert C. Peck
Reg. No. 56,826

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: (503)222-9981